

Application No.: 09/843,145**Docket No.: 30014343-1 (1509-179)**RECEIVED
CENTRAL FAX CENTER

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REMARKS

Claims 12, 22 and 25 have been amended to define applicants' contribution to the art with greater particularity. Claim 13 has been amended because the subject matter thereof has been essentially incorporated into claim 12. Claims 35-37 have been added to provide applicants with the protection to which they are deemed entitled

The amendment to claim 22 obviates the anticipation rejection of independent claim 22, and claims 25 and 26, which depend on claim 22, based on Rautila et al., US patent 6,549,625. Claim 22 now indicates the broker device is adapted to block passage of at least one of (i) advertiser details to the consumer device and (ii) consumer details to the advertiser device. Such a feature is not disclosed by Rautila et al.. The office action, in the rejection of claims 20, 21, 32 and 34, states such a feature would be obviously included in the Rautila et al. device as a result of Konishi, US patent 5,301,273 because Konishi discloses at column 2, lines 52-58 that is known to at least initially ensure that no telecommunications address of an advertiser or replier to an advertisement is passed with a message that is transmitted by a server.

Konishi has nothing to do with an advertiser or a replier to an advertisement. Instead, Konishi is concerned with branch local area networks that are connected to each other through a trunk local area network by plural bridge units. Column 2, lines 52-58, indicates that when address information is not used for a predetermined time, due to movement or failure of a destination station, a response message corresponding to the message transmitted using the address information is not received and is deleted from an address translation table, causing the message to be transmitted again be

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broadcast. Since Rautila et al. is interested in transmitting messages between mobile terminal 12 and server 26, as well as between broadcast location 16 and server 26, all of which are deemed to be in an active state, it is unreasonable to expect one of ordinary skill in the art to look at a feature of a reference that discloses remembering address information as a result of that address information not being utilized for a predetermined time.

It is apparent the examiner has, after reviewing applicants' disclosure, cast around to find the features of claim 20 in disparate references and has combined them as a result of hindsight, without any suggestion from the references themselves for the combination. Consequently, amended claim 22 is not anticipated by or rendered obvious by the art of record. Because claims 25 and 26 depend on claim 22, claims 25 and 26 are allowable. Similarly, the rejection of independent claim 20, and claims 21, 32 and 34 that depend on claim 20 is incorrect. Applicants also note there is no consideration in the office action of the requirement of claim 21 for the server of claim 20 to store the direct telecommunications address of a provider of an advertisement message and to recall that address and forward it to a remote telecommunications device if a release signal has been received by the server. Consequently, claim 21 is allowable on its own merits.

Applicants traverse the rejections of claims 1-5, 7-14, 27-31 and 33 as being obvious as a result of Rautila et al. in view of Scheer, US patent publication 2002/0161674 and of Rautila et al. in view of Todd, US patent 6,785,682. In both of these rejections, the examiner admits Rautila et al. does not include the requirement of independent claim 1 for changing message data of the reply at the broker device and

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relies on Rautila et al. for the features of claims 2-5, 7-14, 27-31 and 33, all of which depend on claim 1.

The reliance on Scheer is improper because the filing date of this publication is subsequent to applicants' filing date. The allegation in the office action that the patent publication has a priority date of the provisional application is incorrect. The front page of the patent publication merely includes the allegation that the provisional application is related to the published application. In fact, the disclosures of the provisional and published applications differ considerably from each other. Hence, if the examiner is going to rely on an application filed by Scheer, he must rely on the provisional application.

In any event, one of ordinary skill in the art would not have modified Rautila et al. as result of US patent publication 2002/0161674 because they have nothing to do with each other. The examiner relies on Rautila et al. to disclose a method of advertising wherein an advertisement is broadcast from an advertiser telecommunications device and is received on a consumer telecommunications device, and a reply message is sent from the consumer communications device to a broker device. The '674 disclosure is concerned with filling an order in a supply chain by extracting, from a customer system, information pertaining to a work order that specifies a piece of equipment to be repaired and items expected to be used during the repair procedure. By using an equipment knowledge base a determination is made of the probability that each of the items needed to perform the repair procedure is available. The determined probability is used to stage the items within the supply chain so that the items are made ready for use during the repair procedure. Because the objectives of Rautila et al. and Scheer are so

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different, one of ordinary skill in the art would not have modified the Rautila et al. advertising method as result of the repair procedure disclosed by Scheer. In addition, paragraph 0256 of Scheer does not disclose changing message data of a reply at a broker device, as alleged in the office action. Instead, the broker 10 sends "subscribe" performative to distributor agent server 12 to inform the distributor to send status change messages when they occur.

With regard to the rejection of claim 1 as being obvious as result of Rautila et al. and Todd, the examiner has again cast about to find features of applicants' claim and used hindsight to combine disparate references that have nothing to do with each other. As indicated supra, the examiner relies on Rautila et al. to disclose an advertising method. Todd has nothing to do with such a method, but is concerned with reducing overhead in creating messages that become out of date relatively rapidly; see column 1, lines 41 and 42. The portion of Todd relied on by the examiner, column 5, lines 58-65, merely indicates that storage of structured messages or data received by a message broker may cause a change in an underlying data structure. It is not seen how this has anything to do with the Rautila et al. advertising method. Consequently, one of ordinary skill in the art would not have modified Rautila to include message data of a reply at a broker device based on the Todd disclosure.

The reliance on Rautila et al. to disclose the features of claim 7 is incorrect. The office action states that column 6, lines 48-60 and column 8, lines 36-67 of the reference disclose the requirement of claim 7 for the advertiser device to not include its own telecommunications address in its broadcast advertisement. In fact, column 6, lines 48 and 49 indicates identification information is transmitted via link 24 between

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station 16 that the examiner equivocates to applicants' advertiser device to mobile device 12, that the examiner equivocates to applicants' consumer device. Such identification would appear to include the address of the advertiser. In any event, the relied upon portion of the reference fails to include the foregoing limitation of claim 7.

Claim 11, as amended, is not disclosed by Rautila et al. because there is no disclosure in the reference of the consumer device replying to an advertisement via long-range telecommunications to the advertiser device.

Applicants do not understand how Rautila et al. discloses the requirements of claim 12, as amended to incorporate the features of former claim 13, inter alia, for sending a first part of an advertisement from an advertiser device to a consumer device via a short range telecommunications and a second, longer or larger part of the advertisement from the advertiser device to the consumer device via a short range telecommunications, wherein the second part of the advertisement is transmitted from the advertiser device to the consumer device after the consumer device has screened the first part of the advertisement and communicating with the advertisement broker device. The examiner relies on column 6, line 60-column 7, line 10 of the reference for the features of claim 12 and former claim 13. The examiner is requested to indicate specifically how the relied upon portion of the reference discloses the foregoing limitations.

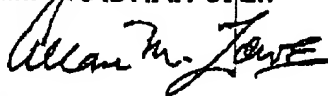
In view of the foregoing amendments and remarks, favorable reconsideration and allowance are respectfully requested and deemed in order.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

Satli BRADHAN et al.



Allan M. Lowe
Registration No. 19,641

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400
Telephone: 703-684-1111
Facsimile: 970-898-0640
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AML/tal